

**Executive Committee Conference Call Meeting Transcripts  
November 22, 2004**

**NOSB Members:** Andrea Caroe, Dave Carter, Mark King, Rose Koenig, Kevin O'Rell,  
Jim Riddle, George Siemon

**Absent Members:** Goldie Caughlan and Nancy Ostiguy

**NOP Staff:** Katherine Benham, Arthur Neal, Barbara Robinson, and Demaris Wilson

1. **Call To Order:** 1:00 p.m. – Jim Riddle
2. **Review and Approval of Agenda:** JR asked for a motion to approve the Agenda, and GS motioned and AC seconded. Agenda approved.
3. **Announcements:** JR talked about a meeting with the AAPFCO Plant Food Control fertilizer officials regarding the use of the word “organic” in fertilizer labels and to revise all of them so that they only are used on products that are allowed for organic production. The Board approved sending a letter to endorse the one label claim, however, they wanted to hold off sending the letter until they have more details.
4. **Secretary’s Report:** August and September conference call minutes were approved unanimously. RK abstained for the September minutes.
5. **Chair’s Report:**
  - a. **Addition to Work Plan/Institutionalizing Peer Review:** JR talked about the collaboration draft and suggested adding it to the CAC’s work plan. BR – the ANSI audit findings will be posted as well as NOP’s response. A regular peer review process will begin, and a decision will be made on the frequency of the meetings and how many members. AC will change the operationalizing vs. institutionalizing document..
  - b. **Process to Review and Comment on Documents Circulated by NOP:** JR reported that individuals are submitting comments on various drafts, and suggested incorporating them into the collaboration document, such as the GMOs Q&As. JR stated that for average issues, BR and AN, when they send something out and they receive replies back from the Board, and see where they’re disagreeing with one another, then NOP will let them know. It will help to get a formal vote on the Board’s position on an issue vs. a collection of inputs.
  - c. **Inventory of Existing NOSB Recommendations:** JR talked with BR about this and agreed that it will be good to inventory our existing recommendations, prioritize which ones to move forward, and which ones are dead issues.
6. **NOP Issues/Update**
  - a. **Collaboration:** BR sent a draft around and received several comments from Jim and Dave only. She stated that they would need to start using a formal form to start compiling, and hope the Board will consider adopting for every recommendation that will look the same and catalog by date. JR – really appreciated and it was excellent – the Board will take it up for consideration adding to the Board’s policy manual.

DC wanted to know that when they put together the framework for collaboration – how do they bring things out in terms of the oversight of the executive director – given the fact that it is a USDA employee; what is the appropriate procedure? BR will provide further discussion regarding hiring the executive director and where the collaboration on that particular issue should appropriately show up in that person’s duties and responsibilities and how the standards and elements by which their performance will be evaluated since they will be predominately serving the Board. JR stated that the Policy Committee would work on the collaboration document and provide details on the job description.

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**Response to the Directives:** BR stated that they got OGC clearance, and waiting for A. J. to clear and is expecting to publish next Tuesday our response to the statements that the Board gave us. Full NOSB statements will be published, and then we have the USDA's response to the NOSB statements – so, we excerpted for each issue your statements and then put our response and then there's a link to the full Board statements; and will publish hopefully, published on Tuesday, November 30. They will be posted under Today's News and will say that every Tuesday new items will be published and what is coming up in the next week. Before posting, A. J. will clear, send it to the Board and OTA so that you'll have a heads up.

BR – the old “directives” will not be published. It will only be what the Board wrote and our response to what was written.

JR asked about the medicinal herbal supplement draft document regarding personal care and the flexibility of USDA organic labeling of those categories of products. BR-those products have not been accepted as being sold as an agricultural or food product. As discussed, to change that we will have to go some other route because once they have selected to advertise their products with a health claim, they tripped another switch with FDA, and there's nothing that we can do about that.

- b. **Federal Register Notices for Task Forces:** BR received e-mail comments, however, there were some concerns about setting up task force for fish. She suggested not having two working groups trying to decide whether or not there should be standards. The Board will have to do the standards, and they can't advocate that decision making authority of whether or not there should be standards. NOP will publish and get the comments, and collectively come to some decision about whether there should be standards and what those standards should look like. The task force should research and bring ideas to the Board; and the Department will take action once they receive the Board's recommendation. BR stated that it will be no different from the Compost Tea Task Force - we can go back, look at the language, and make sure that the working group understands they are not recommending standards to the Department.

JR wanted to know when will the FRN be posted? AN stated that the FRN is being finalized and will be sent down OGC for approval. Not sure what the timeline is – around the first week of December. DC stated his concerns about the FRN tilting towards folks with 5 years experience in the industries; however, they should also have been involved in the development of some organic materials. AN stated that it was a part of the draft FRN, it was finalized and comments are being considered. RK wanted to know when developing task forces will there be a need to do a FRN? JR felt this was due to the gravity of the issues. BR stated that a FRN is warranted when developing standards.

RK stated that she was not clear on the Yeast and if it was supposed to have been a task force. KO – the handling committee was going to handle the yeast issue, and will talk about that in the update to include the task force for the Pet Food.

- c. **National List Amendments:**

**Dockets:** AN - the sunset docket has been finalized in NOP office and submitted to OGC, and will be coming back for more work. The processing docket, was in OGC, but it came back to us after the meeting for more work. It was resubmitted hopefully for the last time back to OGC. The Livestock docket, NOP is still trying to finalize the livestock docket. Everything is still moving forward, and will make the changes that OGC tells us to make will be all legal concerning authority. JR suggested informing the committee of the OGC changes.

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**TAP Contractor Orientation:** NOP is planning to send a letter out today or tomorrow to the TAP contractors proposing them coming in December 16 to give them enough time to make travel arrangements for the people they have working for them to come into D.C. Send out to them the petitions that we have that need to be moved forward. Not expecting all the members of the Board, but there will be Rose, Kim, and Jim, those who engaged in the process of reviewing the materials. BR – suggested inviting all of the committee chairs as well, in case there are particular areas, and if they can or can't make it.

**Petitions:** Waiting to hear back from the Materials committee on two TAP reports Ferrus Phosphate and Ammonium; but we have Lime Mud, Chitosan, Sucrose Octanate Ester, and an old petition Potassium Carbonate, and Sulfuric Acid that has to be sent out for a petition. Sucrose Octanate Ester is intended for use in honey production; lime mud is intended as a soil amendment; chitosan is an adjuvant. Potassium Carbonate - a very poor petition. They petitioned the use of potassium carbonate as an extraction substance and they petitioned the use of a preservative. But the only information that they really sent in was for the preservative; they did not send in any information concerning potassium carbonate, because it has been in since 2002, don't know if they have to go back to the petitioner for more information concerning the materials or just ask the TAP contractor to provide us with the information. Sulfuric acid is being petitioned as a pH adjuster and oil seed extracts. Those are five petitions that we are going to be sending out. They are up on the Petitioned Substances Database.

- d. **GMO Q&A:** BR received a letter from NASDA regarding clarification for drifts, excluded methods, buffer zones, GMO free labeling, and etc. Questions were sent to the Board, received feedback from Jim, have not drafted the response, but will do. The response will be citations from the preambles and the regulations; not doing any freelancing on this one and will simply say what it will say in our regulations. The letter will have to be signed from across the street by Under Secretary Hawks which has been designated; and after clearance by the Secretary's office, we'll turn it into Q&A's for posting on the website. We will say that ACAs should read, of course, clients should read it; will take every questions/statements that was in the letter from NASDA to repeat it, put the citation and response out of the regs and preambles will go out. BR will see if there are additional questions for discussion to see if they could come to some consensus, and will be posted to the web that deals with guidance for ACAs concerning GMOs, and excluded methods, etc., will add to it as people come up with other questions.
- e. **NOSB Appointments:** On the Secretary's desk, and pushing A. J. and he is promising BR to push the Secretary to make selections. The Secretary announced that she is leaving, and BR is very nervous and wants to make sure that the appointments are made before then; very optimistic that they will be made, but didn't know when.
- f. **Other:** JR stated that BR sent out the survey and did receive comments. DW thanked DC because he provided some real thought to it and gave them several suggestions and will have a conference call with CRIS tomorrow and will relay all suggestions to them. DW and BR thanked everyone.

**Executive Director Position:** BR received a request from OTA and others regarding concerns of hiring someone who is at a higher grade level than a 12. An additional 100K was requested, however, a GS 12 with full benefits come to \$99,500. The Board is looking to hire a higher grade and have the ability to interface with other sister agencies and have the kinds of policy levels discussion that the Board thinks are necessary to take place. The person who will come in will not have policy discussions authority or have contact with sister agencies, such as FDA or EPA. The Board will be involved in the hiring and selection process. She hoped to provide personnel with information in December, with a 45 day turn around.

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The individual who is hired will be on Rick's staff, and the Board will be able to review all of the applications; recommend who to hire; and provide feedback as to this individual's performance at the end of the year. Arthur will be the hands-on supervisor of this person. DC stated that Executive Director issue will be included on the Policy Committee agenda, and BR will continue to work on the draft job announcement with duties and responsibilities for circulation to the Board for your comments after Thanksgiving to have something put together based upon everyone's satisfaction. Get out the first of the year with 30 day all sources; it will be available at USAJOBS.GOV and refer to friends and neighbors, and gets to any organic press for the widest pull applicants. Personnel prefer face-to-face interviews – you may have to decide who will come in and conduct an interview. The Board should take a list of the words listed, highlight, and send back to her response.

### **7. Committee Chair Reports – Updates on Work Plans**

#### **a. Policy Development Committee – Dave Carter**

- Conference call set up for Tuesday, and the agenda plan is for development of the work plan.
- The Board Policy Manual revisions will work in BR changes and sent around to the committee before the meeting
- Livestock Medications materials
- Address the mechanics regarding what the Board's role in screening applications for the Executive Director's position; review the Board's draft and looking at BR document

#### **b. Crops Committee – Nancy Ostiguy (Absent)**

- Rose reported that she didn't have anything to report, and will contact Nancy regarding two TAP materials that will need to be organized in response to Arthur which is already late/pending. The TAPs were submitted to the committee prior to the last meeting. She will share the report with the full Board and NOP.

#### **c. Livestock Committee – George Siemon**

- The committee plan to meet next Thursday, December 2, 2004, at 2 p.m., to talk about the Task force and the draft that came out.
- DL-Methionine will be pass on to the task force for more work

#### **d. Handling Committee – Kevin O'Rell**

- The committee met to accept the recommendation from NOP to form the Pet Food task force.
- The committee talked about the yeast and agricultural vs. non-ag substances. Looking at historical perspective to gather information that went into the decision under yeast regarding past NOSB in classifying yeast under 205.605(a) as opposed to 205.606 as an ag product.
- Discuss the food contact substance; trying to get a consensus to move forward for further clarification to be address at the next committee meeting.

#### **e. Materials Committee – Rose Koenig**

- Talking w/ AN about the training and discussing a workshop with exercise to stress issues and points that we find that are insufficient in documents and problem areas.
- Start identifying prior to the formulation of Sunset to bring materials for TAP reviews. Will send out an email for identification for sunset to committees.
- Will schedule a meeting to work on the orientation meeting for the TAP contractors

#### **f. Accreditation Committee – Andrea Caroe**

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- Schedule a meeting prior to the next Exec meeting to discuss the draft document on certificates
- Plan for coming up with a document for operation that are certified
- Discuss Operationalizing Peer Review recommendations

**Kevin motioned to adjourned, and Rose seconded.**

Next meeting date: December 13, 2004, at 3:00 p.m. eastern